

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELSA GARCIA,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION AS
SUCCESSOR TRUSTEE TO BANK OF
AMERICA N.A. AS SUCCESSOR BY
MERGER TO LASALLE BANK N.A. AS
TRUSTEE FOR WASHINGTON MUTUAL
MORTGAGE PASS THROUGH
CERTIFICATES WMALT SERIES 2007-0A2
KAY-CO INVESTMENT, INC., CALIFORNIA
CORPORATION, MERS, QUALITY LOAN
SERVICE CORPORATION, and DOES 1
through 100 inclusive,

Defendants.

Case No.: CV 11-05590 PSG


**ORDER THAT CASE BE
REASSIGNED WITH
RECOMMENDATION THAT THE
CASE BE DISMISSED**

On August 25, 2011, Plaintiff Elsa Garcia ("Garcia") filed a complaint in the Superior Court of the State California, Santa Clara County, alleging numerous causes of action, including (1) fraudulent misrepresentation; (2) fraudulent inducement; (3) violation of the Fair Debt Collection Practices Act; (4) predatory lending practices; (5) breach of trust contract; (6) RICO violations; (7) quiet title; (8) declaratory relief; (9) injunctive relief; (10) cease and desist all further collection activities; and (11) illegal/wrongful foreclosure, against U.S. Bank National Association

a successor Trustee to Bank of America, N.A., as successor by merger to LaSalle Bank, N.A., as Trustee for Washington Mutual Mortgage Pass Through Certificates WMALT Series 2007-0A2 Trust and Mortgage Electronic Registration Systems, Inc. ("MERS") (collectively, "Defendants"). On November, 17, 2011, Defendants removed this case to the United States District Court for the Northern District of California.¹ On December 12, 2011, Defendants moved to dismiss Garcia's complaint pursuant to Fed. R. of Civ. P. 12(b).² Garcia has not opposed the motion to dismiss. Moreover, Garcia has not taken any action in the case since it was removed to United States District Court. Based on Garcia's failure to continue to prosecute her case,

IT IS HEREBY ORDERED that this case be reassigned to a District Judge³ with the recommendation that Garcia's complaint be dismissed.⁴

Dated: "6B34234



PAUL S. GREWAL
United States Magistrate Judge

¹ See Docket No. 1.

² See Docket No. 7.

³ This court is ordering reassignment to a District Judge because, absent consent of all parties, a Magistrate Judge does not have the authority to make case-dispositive rulings. *See, e.g., Tripathi v. Rison*, 847 F.2d 548, 548-49 (9th Cir. 1988).

⁴ See Fed. R. Civ. P. 41(b).